

February 16, 2007

**VIA E-FILE**

Judge Susan Illston  
U.S. District Court, 16th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: **Alvin Jackson v. Cingular Wireless, Steven Jaeger, et al.**  
United States District Court Case No. C 06-03234 SI

Discovery

Dear Judge Illston:

Due to unreasonable delays in completing discovery in the above captioned matter, plaintiff requests that the Court issue an order establishing a deadline of March 2, 2007, for plaintiff's deposition of Sue Knox.

Sue Knox was the Vice President and General Manager of defendant Cingular Wireless and direct supervisor of defendant Steven Jaeger at the time of the events forming the basis of this lawsuit. Counsel for defendants David Ongaro sent a letter dated December 15, 2006, promising to provide potential deposition dates for Ms. Knox the following week. (See attached.) After counsel for defendants failed to do so, plaintiff noticed Ms. Knox deposition for January 22, 2007. At the request of counsel for defendants, I agreed to reschedule this deposition at a mutually convenient date. Defense counsel, however, failed to offer any potential dates for the deposition.

At the Case Management Conference in your chambers on February 2, 2007, the fact that this deposition remained outstanding was raised and the parties agreed that it could be completed by the end of February. Mr. Ongaro indicated in a letter dated February 14, 2007, that Ms. Knox would be available for deposition the week of February 26 and that a date would be forthcoming. (See attached.) However, in a letter dated February 15, 2007, counsel for defendants proposed March 20, 2007, for Ms. Knox's deposition. (See attached.)

I called defense counsel Ongaro earlier this week and indicated that I would seek the Court's intervention if he did not provide firm dates for this deposition by today. At approximately 4:00 pm yesterday I received a faxed letter from Mr. Ongaro offering one



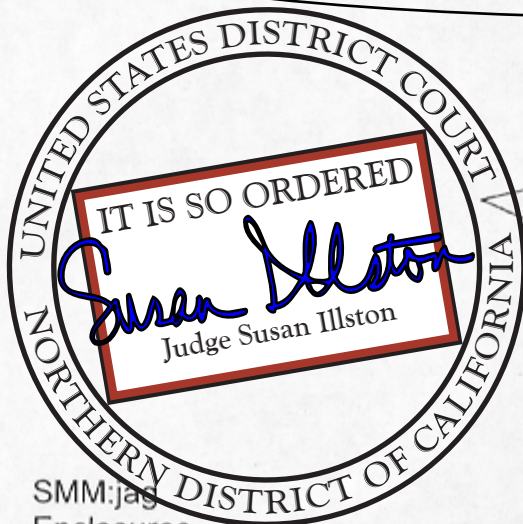
Judge Susan Illston  
U.S. District Court, 16th Floor

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date for the Knox deposition – March 20, one month away and three months after defense counsel had first promised to provide a date.

I am currently scheduled to be in Austin, Texas on March 20, 2007, for a deposition in another matter. However, the more pressing concern is that the non-expert discovery cut-off set by the Court for May 31, 2007 is rapidly approaching. Given the central role that Ms. Knox played in the events underlying this case, a strong possibility exists that facts revealed in her deposition testimony will provide the basis for additional discovery by plaintiff.

Plaintiff therefore requests that this Court order defendants to produce Ms. Knox for deposition no later than March 2, 2007.



SMM:jag  
Enclosures

Very truly yours,

Stephen M. Murphy  
Attorneys for Plaintiff



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December 15, 2006

*Via Facsimile and US Mail*

Stephen M. Murphy, Esq.  
Law Offices of Stephen M. Murphy  
180 Montgomery Street, Suite 940  
San Francisco, CA 94104

Re: **Jackson v. Cingular Wireless, et al.**  
**USDC Case No. C 06-03234 SI**  
**Client-Matter No. 36438-0012**

Dear Steve:

I apologize for not getting back to you sooner, however, I was consumed in a trial for the last two weeks.

In our last telephone conversation, we requested and you granted us an extension to respond to Mr. Jackson's Demand for Identification and Production of Documents, Set One, to Mr. Jaeger, and Demand for Identification and Production of Documents, Set Two, to Cingular Wireless. These responses were originally due on December 11, 2006. With your gracious extension, we will be providing you with the responses by December 21, 2006. We thank you for your professionalism in this regard.

At your request, we have taken the deposition of Mr. Scott Jaeger off calendar. We are also in the process of re-subpoenaing Messrs. Ralph Hardy and Richard Bloom for deposition on January 11, 2007 and January 12, 2007, respectively. Next week, I will contact you with potential deposition dates for Ms. Knox and Ms. McAuliffe. Once we get those dates pinned down, we should discuss a mutually convenient date for a mediation with Mr. Rudy.

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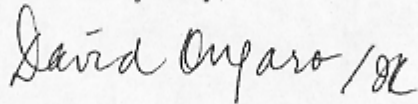
Perkins Coie LLP and Affiliates



Stephen M. Murphy, Esq.  
December 15, 2006  
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We thank you for your continued cooperation in this matter and happy holidays to you and your family.

Yours very truly,

A handwritten signature in cursive script that reads "David Ongaro" followed by a stylized flourish or initial.

David R. Ongaro

DRO:sm



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February 14, 2007

VIA U.S. MAIL

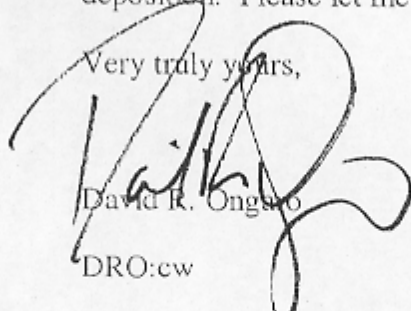
Stephen Murphy  
Law Offices of Stephen Murphy  
180 Montgomery Street, Suite 940  
San Francisco, CA 94104

Re: **Jackson v. Cingular Wireless**  
**Client-Matter No. 36438-0012**

Dear Steve:

This letter confirms the two telephone conversations I had with Jeremy Graham of your office. I've informed Mr. Graham that we cannot proceed with Ms. McAuliffe's deposition on February 16, 2007, but will be available for deposition on February 23, 2007. I have already scheduled Mr. Haeger's deposition for February 23, 2007. Since that date has already been reserved by all parties for Mr. Haeger's deposition, there are no scheduling issues in proceeding with McAuliffe on February 23, 2007. I will reschedule Mr. Haeger's deposition at a date convenient to all parties. We are working to produce Ms. Knox in San Francisco the week of February 26th. I will let you know as soon as I'm able to pin this down. Please let me know if there are any days that week which simply do not work. I'm still waiting for you to confirm dates for Hardy's deposition. Please let me know at your earliest convenience.

Very truly yours,



David R. Ongaro

DRO:cw





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February 15, 2007

VIA FACSIMILE AND U.S. MAIL

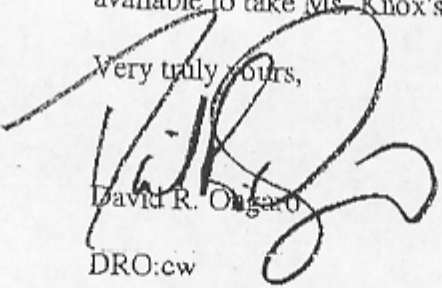
~~Stephen Murphy~~  
Law Offices of Stephen Murphy  
180 Montgomery Street, Suite 940  
San Francisco, CA 94104

Re: **Jackson v. Cingular Wireless**  
Client-Matter No. 36438-0012

Dear Steve:

Sue Knox will be traveling to San Francisco in mid-March. To conserve resources, I would like to schedule her deposition at the same time. Please advise me immediately whether you will be available to take Ms. Knox's deposition on March 20, 2007.

Very truly yours,

  
David R. Ongaro

DRO:cw